INFORMATION LETTER

Not for Publication — NATIONAL CANNERS ASSOCIATION — For Members Only

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Convention Room Forms Mailed to Members

N.C.A. sent to members this week forms on which they should request room reservations for the 1958 Convention, January 20-23 in Atlantic City, and informed the membership by letter of the procedure followed in making room assignments.

The only aspect that is new is the handling of room reservations for canned food brokers. And, with non-canner principals not in attendance at the coming Convention, rooms will be available for canners in hotels other than the Traymore, Shelbourne, and Ritz-Carlton, which have been reserved especially for canners in former years.

This week's letter to the membership points out that final room assignments for members are not made until all of the requests have been received. Experience has demonstrated that in this way the members' needs are met most efficiently.

A policy of reserving rooms on the basis of first-come-first-served works well and is equitable when the room is not to be used for conferences during the day and when the rooms are reserved individually. This policy, however, cannot be used satisfactorily for canners who request rooms adjoining or otherwise located in relation to each other in order to provide a particular type of conference set-up clustered about a parlor or a reception room.

Consequently, members' requests for rooms at the 1958 Convention in Atlantic City will be held until later and all will be sent out at one time. The date for mailing room assignments to members will be announced later.

Meantime, members have been requested to send to N.C.A. lists of their brokers and to notify the brokers that N.C.A. will take care of housing them. To each food broker whose name and address are furnished by a member, N.C.A. will send a form on which the broker may indicate his preference as to hotel and type of accommodation, with arrival and departure date. These forms are being handled by N.C.A. on a first-come-first-served basis.

N.C.A. Proposal on Food Additives Legislation Is Given Industry Support at Hearings by House Subcommittee

Prominent among the food additive bills being considered in hearings which opened this week before a subcommittee of the House Committee on Interstate and Foreign Commerce are companion measures, H. R. 8390 and H. R. 8620, introduced at the request of the N.C.A. by Chairman Oren Harris (Ark.) and by the ranking minority member, Representative Charles A. Wolverton (N. J.). Other proposals before the subcommittee include the Administration-sponsored bill, H. R. 6747, also introduced by Representative Harris; and H. R. 366 by Representative O'Hara (Minn.), H. R. 7798 by Representative Delaney (N. Y.), H. R. 7936 by Representative Sullivan (Mo.), H. R. 7700 by Representative Fulton (Pa.), and H. R. 8112 by Representative Miller (Nebr.).

As announced previously, the N.C.A. is scheduled to testify before the subcommittee on July 22.

The hearings opened with the testimony of the Grocery Manufacturers of America represented by their general counsel, Charles Wesley Dunn. Mr. Dunn stated that G.M.A. supported the need for food additive legislation. He discussed in general terms the provisions of the Administration bill and the two bills introduced at N.C.A.'s request. He offered a number of amendments to the Administration bill and indicated that in his opinion the N.C.A. proposal needed only a few amendments.

Following the G.M.A. presentation, Dr. Blackwell Smith of the Medical College of Virginia, and a member of the Food Protection Committee of the National Research Council, stated that chemists can determine with a reasonable degree of certainty whether a substance is poisonous or non-poisonous, but not that it is absolutely harmless.

On the third day of the hearings the committee heard the testimony of Lawrence A. Coleman on behalf of the Manufacturing Chemists Association. The Manufacturing Chemists stated that in their opinion the bills which have the greatest number of good features and the least number of features calling for amendment are the companion bills introduced by Chairman Harris and Representative Wolverton, along with the bill introduced by Representative O'Hara. The basic pattern of the bills supported by Mr. Coleman—N.C.A.'s proposals—were described as follows:

"First, a processor or producer who proposes to sell or use in food a new food additive so notifies the Food and Drug Administration. Second, accompanying that notice, the proposer of the food additive presents to FDA the results of pharmacological, toxicological and other scientific tests which have been run on the proposed additive to insure safety for consumption in the proposed quantity. Thirdly, these bills would add to the Food and Drug Administration's enforcement tools by, in the case of H. R. 8390 and H. R. 8629, giving the Administration the specific authority, in advance of the use of the additive, to enjoin the sale or transportation of a food additive or a food containing that additive if the Administration has not been persuaded that the testing data established safety under the conditions of intended use. Moreover, this injunction would be implemented by a temporary restraining order which would forthwith issue upon application without the necessity for demonstrating the accuracy of the Administration's views."

Referring to the Administration proposal, Mr. Coleman stated that the Manufacturing Chemists Association "looks with great favor on so much of H. R. 6747 as makes clear that the test of whether an additive may be used in a food depends on the determination of its safety under the conditions of its use and in the quantity

proposed for use, rather than basing the acceptance or rejection of any food additive upon the nebulous—nebulous, that is, in the light of modern-day science—concept that some substances are and others are not 'poisonous,' without respect to the quantity ingested. We are similarly gratified to note that the Food and Drug Administration has itself proposed a bill, for the first time since these discussions began, thus crystallizing the alternatives that are before the Committee and giving full expression to whatever opposing views there may be.

"Parenthetically," he continued, "I should like to state here that I am sure your Committee realizes that the ultimate objective sought by all the groups that have testified and will testify here before you is the same. All these people seek the same end; all these people desire that the American health be protected. All desire that the food supply be bettered. All desire that the method of betterment, the method for protection, be orderly. The ends are the same; the means to achieve these ends vary.

"The Manufacturing Chemists Association, though they find much in the Administration's bill, H. R. 6747, which they believe good and appropriate to achieve the ends which we all have in view, do not believe that the Food and Drug Administration should be granted the power to license the use of an additive. As stated before, we subscribe to the continuation of the classical methods of enforcement of this Act. Licensing contradicts, in our opinion, many of the fundamental concepts of our jurisprudence. H. R. 6747 is essentially a licensing bill. The proponent must, under its terms, beg leave of the Administration before an additive can be used in food, notwithstanding the fact that it is his conclusion, based on costly pharmacological and toxicological studies—a conclusion which he stands ready to support before any court—that the potentiality for harm to the consumer from its use is non-existent. The evil of this type of bill, as we see it, is not found in the licensing provision alone, but in its concomitant sections providing for a review of the Administration's denial of the leave which has been begged. As you all here are well aware, the Administrative Procedure Act makes clear that if there be any substantial evidence on the record as a whole which supports the Administration's denial of a license, the Court of Appeals must confirm the Administration in such denial, even though the weight of the evidence, the preponderance of the evidence, would indicate that the license should have been issued. Licensing alone is in our opinion unwise. Licensing accompanied by the limited review afforded by the Administrative Procedure Act is, in our opinion, seriously detrimental to future progress of food technology, is detrimental also to continued progress in the science of toxicological testing, and of all the other scientific activities engaged in by the food and chemical industries which over these many years have made the American food supply the most nutritious, the most wholesome and most abundant in the world."

Members of Congress were heard by the subcommittee on Thursday, July 18, and additional industry witnesses testified on Friday.

FDA Order on Labeling on Dietary Foods

The Food and Drug Administration has received no objection to its order regarding label statements on certain dietary food products, and therefore has made the order effective July 1.

The text of the proposed order was published in the INFORMATION LETTER of June 8, page 213.

Grades for Tomatoes and Okra

Notice is given in the *Federal Register* of July 13 that the Agricultural Marketing Service of USDA proposes to issue U. S. standards for grades of canned tomatoes and okra or canned okra and tomatoes.

In the proposal, the product description covers the two items, tomatoes and okra or okra and tomatoes, which differ only in the proportion of ingredients.

Provision is made for the use of either green or white varieties of okra. The whole pods or cut pods may be used with varying amounts of the tomato ingredient as provided for a designated product.

The grade would be determined by evaluating color, flavor, defects, and character. Grades would be designated as U. S. Grade A (Fancy), U. S. Grade C (Standard), and Substandard.

Written views and comments on the proposed standards may be submitted within 90 days to the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C.

Family Weekly

In her article in the June 23 issue of the Sunday supplement magazine, *Family Weekly*, Melanie De Proft, food editor, combined canned foods with her story about gelatin salads, main dishes, and desserts.

The article was entitled "25 Ways To Have Fun with Gelatin" and was illustrated with an attractive color photograph of one of the salads. The following canned foods were used in the recipes: dark sweet cherries, pineapple in four recipes, strained (infant) peaches, spiced peaches, applesauce, apricots, tuna, pumpkin, tomato juice, pineapple juice, and grape juice.

Family Weekly is distributed nationally with more than 150 newspapers with a combined circulation of approximately 3½ million.

Grades for Kadota Figs

The Agricultural Marketing Service of USDA has revised U. S. standards for grades of canned Kadota figs. The revision is the same as the proposal published in May.

The revised standards adopt the latest FDA standards of identity for canned figs; make slight changes in recommended drained weights, particularly for No. 10 cans containing 70 whole figs or less; provide for dietetic packs and describe in greater detail the quality requirements for each grade classification; and limit U. S. Grade A (Fancy) and U. S. Grade B (Choice) to figs of the whole style.

The revised standards were published in the *Federal Register* of July 16 and will be effective 30 days thereafter.

FDA Standards for Canned Orange Juice

Notice is given in the *Federal Register* of July 12 that the Food and Drug Administration has extended until August 16 the time for filing views and comments on the proposals to adopt definitions and standards of identity for canned orange juice; industrial orange juice; orange juice for processing; concentrated orange juice; and sweetened concentrated orange juice (see INFORMATION LETTER of June 8, page 217).

The New Dimension in Farm Policy

Don Paarlberg, Assistant to the Secretary of Agriculture, spoke at the annual meeting of the Western Farm Economic Association July 17 on "The New Dimension in Farm Policy." Following are excerpts from his prepared text:

"Shortcomings of controls for the basic crops have led to what will probably be the two biggest and most expensive operations in the history of agriculture—the surplus disposal program and the soil bank. Even if controls were to work properly for the basic commodities, which they do not, it is clear that we cannot control the total output of agriculture by controlling the acreage of crops which yield only one-fourth of our farm income. Obviously, it is unfair to the producers of the non-basic products to expect them to solve their own supply problems and to shoulder as well the supply problems shifted to them by producers of the basic commodities. . . .

"The evidence of the past quarter century is inescapable. Farmers will not accept, legislators will not vote, and from a practical standpoint administrators cannot impose the kind of controls which, at the price objective specified by law, would be necessary to bring production into line with market outlets. No production controls acceptable to American farmers appear capable of appreciably reducing the abundant flow of farm products. . . .

"Since we apparently cannot legislate scarcity, we must learn how to live with abundance.

"If farm products are abundant, the need and the challenge is to build markets so that this abundance can be used. We cannot build markets by pricing ourselves out of them.

"We have literally priced ourselves out of markets at home and abroad. . . .

"That we will broaden agricultural policy in the years ahead to include two objectives, price and volume, rather than the one objective, price alone, seems inevitable. The ground is plowed and the seedbed is ready. The question is: who will sow the seed and what kind of crop will be grown?

"This will be the question which dominates discussions of agricultural policy in the months and years immediately ahead.

"We stand between two policies, one aged and weakening, and the other waiting to be born. On one hand is the one-dimensional approach which focuses almost exclusively on price. On the other hand is a two-dimensional policy which would focus on volume as well as price."

Parade

The recipe "Noodles Napoli," using canned mushrooms, tomato sauce and tomato paste, was featured by food editor Beth Merriman in the July 14 *Parade* magazine.

Miss Merriman described the recipe as a delicious but easy version of Italian lasagne. Black and white photographs showed the steps of preparation and the finished casserole.

Parade is distributed with many leading metropolitan newspapers as the Sunday magazine section.

RSP Cherries for USDA

USDA announced on July 18 that it contemplates purchasing canned red tart pitted cherries packed during 1957 for use in the school lunch program.

Details and specifications of the purchase offer were mailed by USDA to cherry canners.

Offers to sell the canned cherries should be submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., by July 30 for acceptance by August 2.

USDA will require deliveries during the period August 19 through September 21.

QMC Requirements for Blueberries, Pineapple

Tentative requirements for canned blueberries, pineapple juice, and canned pineapple from the 1957 pack to meet the requirements of the armed forces were announced July 11 by the Military Subsistence Supply Agency, 226 W. Jackson Blvd., Chicago 6, Ill. Procurements will be made by the Military Subsistence Market Centers.

Item	Grade	Type	Can Size	Quantity (pounds)	Quantity (cases)
Blueberries	A (Fancy) or B (choice)	in water	6/No. 10	1,073,500	28,029
			24/No. 300	230,400	10,617
			Total	2,303,900	
Pineapple juice	A (Fancy)	unsweetened	12/No. 3 cyl.	11,261,000	296,342
Pineapple	A (Fancy) or B (choice)	sliced	24/No. 2½	240,000	5,333
		sliced	6/No. 10	4,130,000	102,197
		chunks or tidbits	24/No. 2½	558,000	12,400
		chunks or tidbits	6/No. 10	5,381,000	132,864
		crushed	24/No. 2½	519,000	11,533
		crushed	6/No. 10	4,795,000	117,237
			Total	15,632,000	

Canada's Tariff Rates

The Canadian government is about to review its tariff schedule for fruits and vegetables, with a view to revising the schedule and the rates of duty on fresh and processed products.

The study will be conducted by Canada's Tariff Board at the request of the Minister of Finance, acting on appeals from Canadian producers who believe that revisions in the seasonal tariffs on fresh fruits and vegetables are necessary.

The Canadian Tariff Board is instructed that "should the study further indicate that consequential amendments are required in other tariff items, covering the same fruits and vegetables in frozen, dried, canned or other processed form, these consequential amendments should be included in the revised schedule together with rates of duty."

The Tariff Board will hold public hearings in Ottawa beginning July 29.

The Canadian Food Processors Association has appointed a special committee to help in presenting the views of its members to the Tariff Board.

The American Weekly

Amy Alden's Household Almanac article in the July 14 issue of *The American Weekly* magazine was "For Easy Summer Cooking." In the subtitle Miss Alden suggested, "Make the most of canned and packaged foods in these attractive, simply prepared dishes."

Four salad recipes and a dessert recipe were given, three of them using canned foods. An attractive black and white photograph illustrated an easy summertime meal.

The American Weekly is the popular Sunday magazine supplement with many leading metropolitan newspapers over the country.

Status of Legislation

Agricultural trade development—S. 1314 (Ellender of La.), to raise Title I authorizations from $3 billion to $4 billion and extend P. L. 480 to June 30, 1958, was passed by the Senate April 1 and by the House June 21. The conference report was adopted by the House July 9.

Alaska statehood—H. R. 7999, to provide statehood for Alaska, was reported by House Interior and Insular Affairs Committee June 25. S. 49, Alaska statehood, and S. 50, Hawaii statehood, were approved by Senate Interior Subcommittee July 1.

Defense procurement—S. 1537 (McClellan of Ark. and McCarthy of Wis.) and a number of companion bills in the House, to create a "Supply and Service Administration" in the Department of Defense for purchase and distribution of common supply items, in line with Hoover Commission recommendations, have been introduced and referred to Armed Services Committees.

FDA food additives—H. R. 6747 (Harris of Ark.) and S. 1895 (Hill of Ala.), the Administration-sponsored bill, H. R. 8390 (Harris of Ark.), H. R. 8629 (Wolverton of N. J.) and other food additives bills are the subject of hearings begun by the Health and Science Subcommittee of the House Commerce Committee July 15. N.C.A. supports H. R. 8390 and H. R. 8629.

Fishermen's Protective Act—Bills to broaden protection of fishermen on the high seas were the subject of a hearing by a House Fisheries Subcommittee April 17 and July 16.

Government contracts—H. R. 722, to amend the Robinson-Patman Act so as to make sales to nonprofit institutions for resale, subject to the Act, has been referred to House Judiciary Committee.

ICC agricultural exemption—S. 1689 (Magnuson of Wash.) and H. R. 5823 (Harris of Ark.), to amend the agricultural exemption in sec. 203 (b)(6) of the Interstate Commerce Act, have been introduced.

ICC private carrier definition—S. 1677 (Magnuson of Wash.) and H.R. 5825 (Harris of Ark.), to amend the definition of a private motor carrier, as recommended by the ICC, was the subject of hearings by the Senate Surface Transportation Subcommittee May 6-10.

ICC private carrier registration—S. 1490 (Magnuson of Wash.) and H. R. 5664 (Harris of Ark.), to require private motor carriers to register with the ICC annually, was approved by the Senate Surface Transportation Subcommittee April 12 and further action on the bill has been postponed indefinitely.

Marketing orders, cranberries—S. 1680 (10 Senators from 5 cranberry producing states) and other bills to amend the Agricultural Marketing Agreement Act so as to authorize marketing orders for cranberries for canning, were the subject of hearings by a Senate Agriculture Subcommittee April 20. N.C.A. opposes.

North Pacific Fisheries Act—S. 2212, to extend the area of federal control over net fishing of salmon and certain other fish, was passed by the Senate June 26 and by the House July 15 and sent to the President.

Packers and Stockyards Act—S. 1356 (O'Mahoney of Wyo.), to transfer antitrust jurisdiction over meat packing operations from USDA to FTC, was reported by the Senate Judiciary Committee July 18. Similar bills are subject of hearings by House Agriculture Committee.

Potato marketing and labeling—A number of bills to prohibit the sale of potatoes of a lower grade than U. S. No. 2, under certain conditions, were the subject of hearings by the House Agriculture Committee April 15-16 and by the Senate Agriculture Committee May 21-22. N.C.A. opposes application to canning.

Poultry inspection—S. 1747 (Aiken of Vt.), providing for compulsory USDA inspection of poultry products, was passed by the Senate April 8. H. R. 6814 was passed by House July 9. S. 1747 was passed by the House, with House amendments, July 15.

Premerger notification—H. R. 7698 (Celler of N. Y.), to require 60 days notice prior to merger of corporations having total book value of more than $10 million, was reported by House Judiciary Committee May 28.

Raw product bargaining—S. 1743 (Aiken of Vt.), to legalize organized bargaining for agricultural commodities under certain conditions, has been referred to Senate Agriculture Committee, which has requested USDA views; and H. R. 6799 (Bow of Ohio) and H. R. 7807 (Bentley of Mich.) have been referred to House Judiciary Committee. No action scheduled.

Reorganization Act—S. 1791, to extend to June 1, 1959, the authority of the President to reorganize the executive branch, was passed by the Senate June 1 and by the House, with amendments, July 10.

Robinson-Patman Act—S. 11 (Kefauver of Tenn.) and H. R. 11 (Patman of Tex.), to restrict the good faith defense against a charge of price discrimination, was approved without recommendation, by Senate Antitrust Subcommittee June 21 and is pending before the Judiciary Committee.

Small Business Administration—H. R. 7963, to make the SBA a permanent agency and to revise its authority, was passed by House June 25. S. 2504, to extend the SBA one year, was reported by Senate Banking Committee July 9.

Wage-Hour—S. 1853 (Kennedy), which includes proposal to eliminate overtime fishery exemption, was approved, without recommendation, by Senate Labor Subcommittee May 7. The Senate Labor Committee considered the bill in executive session on May 22, May 28, June 5 and June 25-26 but took no final action. House bills were considered by House Labor Subcommittee in executive session June 3, June 14, and June 18-20.

Waste disposal—H. R. 1082 (Byrnes of Wis.), H. R. 2463 (Lipscomb of Calif.), and H. R. 4134 (Simpson of Pa.), to allow rapid amortization of waste disposal facilities and treatment works, have been introduced. N.C.A. supports the proposal, which is before House Ways and Means Committee.

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